



U.S. Department
of Transportation
**Federal Aviation
Administration**

Aviation Safety

800 Independence Ave
Washington, DC 20591

March 6, 2020

Exemption No. 18496
Regulatory Docket No. FAA-2019-1010

Mr. Rusty P. Lavergne
President
Flying Wings of Louisiana
36490 Lucas Dr.
Denham Springs, LA 70706

Dear Mr. Lavergne:

This letter is to inform you that the Federal Aviation Administration (FAA) has granted your request for exemption. It transmits the FAA's decision, explains its basis, and gives you the conditions and limitations of the exemption, including the date it ends.

The Basis for the FAA's Decision

By letter dated November 21, 2019, you petitioned the FAA on behalf of Flying Wings of Louisiana for an exemption from § 61.113(c) of Title 14, Code of Federal Regulations (14 CFR) to the extent necessary to allow Flying Wings of Louisiana to reimburse its volunteer pilots for fuel costs incurred in conducting charitable flights.

The FAA has issued grants of exemption in circumstances similar in material respects to those presented in your petition. In Grant of Exemption Nos. 10009 and 10360E, enclosed, the FAA found that the humanitarian efforts of these volunteer pilots who volunteer their time and piloting services are commendable, and the FAA wants to encourage this kind of volunteerism and public service for the common good of our citizens. The FAA recognizes the fact of rising costs for fuel and aircraft operating expenses; however, when money is exchanged for transportation, the public expects, and the FAA has a duty to demand, a higher level of safety for the flying public. The FAA believes by requiring the petitioner and its pilots to comply with the conditions and limitations set forth in this grant of exemption, the FAA can ensure that a higher level of aviation safety for the flying public will be maintained.

Having reviewed your reasons for requesting an exemption, I find that—

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- They are similar in all material respects to relief previously requested in the enclosed Grant of Exemption Nos. 10009 and 10360E;
- The reasons stated by the FAA for granting the enclosed Grant of Exemption Nos. 10009 and 10360E also apply to the situation you present; and
- For the reasons stated by the FAA in the enclosed Grant of Exemption Nos. 10009 and 10360E, a grant of exemption to Flying Wings of Louisiana is in the public interest.

The FAA's Decision

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested exemption would not set a precedent, and any delay in acting on this petition would be detrimental to Flying Wings of Louisiana.

Although Flying Wings of Louisiana requested relief from § 61.113(c), the FAA finds that Flying Wings of Louisiana also requires relief from the following regulation:

Section 61.113(a), which prescribes, in pertinent part, that no person who holds a private pilot certificate may act as a pilot in command of an aircraft that is carrying passengers or property for compensation or hire; nor may that person, for compensation or hire, act as pilot in command of an aircraft.

Under the authority contained in 49 U.S.C. §§ 106(f), 40113, and 44701, which the FAA Administrator has delegated to me, I hereby grant Flying Wings of Louisiana an exemption from 14 CFR §§ 61.113(a) and (c) to the extent necessary to allow Flying Wings of Louisiana to reimburse its volunteer pilots for fuel costs incurred in conducting charitable flights, subject to the conditions and limitations described below.

Conditions and Limitations

1. The following definitions apply when these terms are used in this exemption:
 - a. Charitable Medical Flight (CMF): A flight operation to provide transportation for an individual or organ for medical purposes (and for other associated individuals), if the aircraft owner or operator has volunteered to provide such transportation.
 - b. Volunteer Pilot Organization (VPO): An organization:
 - i. Described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; and
 - ii. Organized for the primary purpose of providing, arranging, or otherwise fostering charitable medical transportation.

2. Before exercising the relief granted by this exemption, Flying Wings of Louisiana must ensure it meets the definition of a VPO and that the flight meets the definition of a CMF, as specified in Condition and Limitation No. 1. In addition, Flying Wings of Louisiana must receive a determination by the Internal Revenue Service (IRS) that the organization meets the requirements for 501(c)(3) tax-exempt status before exercising the relief granted by this exemption.
3. This exemption may be exercised only for CMFs conducted by Flying Wings of Louisiana. A CMF includes flights that are intended to reposition the aircraft to the client pick-up location, as well as reposition the aircraft following the client drop-off. Any repositioning flight must be from the aircraft home base to and from the point of client pick-up/drop-off location by the most practical route.
4. Flying Wings of Louisiana must ensure the following items are available to any representative of the FAA Administrator, upon request:
 - a. A detailed description of Flying Wings of Louisiana's process for verification of each pilot's qualification and training. This process must include a means to verify each pilot's qualifications to act as pilot-in-command (PIC) prior to each flight;
 - b. Documentation showing all Flying Wings of Louisiana pilots' flight experience, airman certificate information, and currency of FAA medical certificates.
 - c. Documentation from each pilot showing that at the time he/she accepts a CMF under this exemption, he/she meets all minimum standards and appropriate currency requirements established by Flying Wings of Louisiana, part 61, and all Conditions and Limitations of this exemption; and
 - d. Documentation of each flight and reimbursement containing the following information, at a minimum:
 - i. Name and pilot certificate number of the PIC;
 - ii. Name and identifier of the departure and arrival airports;
 - iii. Name of all occupants of the airplane excluding the PIC;
 - iv. Date and time of departure and arrival; and
 - v. Amount of the fuel reimbursement.

- e. All the documentation required under Conditions and Limitation No. 4 must be maintained by Flying Wings of Louisiana for a minimum of 24 calendar months.
5. All pilots operating under the terms of this exemption must possess the following certificates, qualifications, and aeronautical experience –
 - a. An instrument rating or Airline Transport Pilot (ATP) certificate that is appropriate to the aircraft being flown;
 - b. A minimum total flight time of 500 hours, with no less than 400 hours as PIC, and a minimum of 50 hours in the specific make and model of the aircraft being flown;
 - c. A minimum of 50 hours as PIC, logged within the 12 calendar months immediately preceding the month of the flight;
 - d. A minimum of 12 hours flown and logged within the 3 calendar months immediately preceding the month of flight. In lieu of this requirement, a pilot may have logged 2 hours of flight training with a certificated flight instructor within the 3 calendar months immediately preceding the month of the flight;
 - e. A second-class medical certificate (per §§ 61.2 and 61.23(a)(2)(ii));
 - f. A current flight review (per § 61.56(a)) in the same aircraft category, class, and type (if a type rating is required) being flown;
 - g. Within the preceding 12 calendar months, an instrument proficiency check (IPC) meeting requirements of § 61.57(d). The IPC must be conducted in accordance with the Instrument Rating — Airplane Airman Certification Standards. This requirement can be substituted by an FAA practical test for an ATP certificate or instrument rating;
 - h. In addition to meeting the IPC requirement of § 61.57(d) as specified in Condition and Limitation No. 5(g), the pilot meets the recent flight experience requirements of § 61.57(c), in the same aircraft category, class, and type (if a type rating is required) being flown; and
 - i. For all operations under this exemption, the pilot must meet the recent flight experience requirements for night operations (per § 61.57(b)) in an aircraft of the same category, class, and type (if a type rating is required).
6. All operations under this exemption must be in compliance with the following flight duty, rest, and flight time limitations (a duty day starts when the pilot arrives

at the airport and begins preparation for the flight and terminates upon completion of the post-flight inspection of the aircraft):

- a. No pilot may fly more than 8 hours of flight time (per § 61.1) within any 24-consecutive-hour duty day period;
 - b. No pilot may perform a duty day in excess of 12 consecutive hours; and
 - c. Once the pilot has performed 12 consecutive hours of duty, the pilot must rest a period of at least 12 hours before conducting any other CMF.
7. Prior to each takeoff, the PIC must ensure that all occupants have been orally briefed on the following:
- a. The flight is being permitted under this grant of exemption and that the operator is not a certificated commercial operator;
 - b. When, where, and under what conditions smoking is allowed;
 - c. Use of safety belts, shoulder harnesses, and child restraint systems: when, where, and under what conditions it is necessary to fasten passenger safety belts and, if installed, should harnesses;
 - d. The placement of seat backs in an upright position before takeoff and landing;
 - e. Location and means for opening the passenger entry door and emergency exits;
 - f. Location of survival equipment;
 - g. Use of normal and emergency oxygen installed; and
 - h. Location and operation of fire extinguishers.

An FAA sample briefing document can be found in the July/August 2014 edition of the FAA Safety Briefing Magazine, located online at:

http://www.faa.gov/news/safety_briefing/2014/media/JulAug2014.pdf#page=26

8. Flying Wings of Louisiana must implement procedures to notify the passengers (or their legal guardians) who will be on the flight that the flight operations is for charitable purposes and is not subject to the same FAA requirements as a commercial flight. These procedures must allow for the notification to be given as early as possible to the passengers (or their legal guardian). Such notification must

also be provided to any individual who inquires about receiving or scheduling a CMF.

9. Each aircraft operated under this exemption must have a standard airworthiness certificate.
10. The aircraft must be maintained and inspected in accordance with 14 CFR part 91 Subpart E, 14 CFR part 43, or other inspection programs approved by the FAA.
11. All pilots operating under this exemption must comply with the following requirements:
 - a. All flights operating under this exemption must activate an Instrument Flight Rules (IFR) flight plan. The earliest the flight plan may be cancelled is upon visual contact with the destination airport;
 - b. For flights in instrument meteorological conditions (IMC), each pilot may only use airports that have functioning, published, precision approach procedures;
 - c. Each pilot must add 100 feet and ½ mile to all instrument approach minimums;
 - d. Each pilot must add 50 percent to pilot operating handbook (POH) runway length performance for obstacle clearance on takeoff and landing under ambient conditions;
 - e. For IMC takeoff minimums, the PIC must ensure that the weather meets approach landing minimums with additional margin noted in Condition and Limitation No. 11(c) (Example: If the Baltimore-Washington International Airport minimums are 200/1/2, then the takeoff minimums will be at least 300 feet and 1 statute-mile visibility);
 - f. Prior to each takeoff, the PIC must ensure that patients who may need the assistance of another person to exit the aircraft if an emergency occurs have received a briefing as to the procedures to be followed if an evacuation occurs; and
 - g. Each pilot will utilize and brief passengers about sterile cockpit procedures as defined in 14 CFR part 135, § 135.100.
12. Flying Wings of Louisiana must develop and implement a preflight risk assessment tool. The tool must be completed by the PIC before each flight and must be transmitted to Flying Wings of Louisiana prior to takeoff for any flight

operated under this exemption. The completed tool must be retained by Flying Wings of Louisiana for a minimum of 30 days. Flying Wings of Louisiana must identify a maximum score flight value, or other appropriate measure, that is permissible for a flight to be initiated under this exemption. A sample risk assessment tool is available in the FAA Information for Operators (InFO) 07015 at the following link:

https://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/info/all_infos/media/2007/info07015.pdf

The FAA recognizes that any sample tool used to assess any potential safety risk during preflight planning should be modified to adequately address the risk for general aviation aircraft and Flying Wings of Louisiana's specific operation. As an example, the sample Flight Risk Assessment Tool as outlined in InFO 07015 scores icing as a risk value of 5 when it is moderate to severe. However, for most general aviation aircraft, known icing conditions of any value should be considered grounds for cancellation or postponement of a flight.

13. Flying Wings of Louisiana must develop and implement an initial pilot ground training program that includes the following:
 - a. Flying Wings of Louisiana operational policies and procedures;
 - b. Principles and methods for determining weight and balance, and runway limitations for takeoff and landings;
 - c. Principles and methods of managing passenger needs and handling special equipment;
 - d. Principles and methods of aviation professionalism, decision-making, risk management and mitigation, and determining personal minimums; and
 - e. Informing the pilot of where a copy of this exemption can be located and requiring the pilot to become familiar with the conditions and limitations.
14. Recurrent training is required for all pilots operating under this exemption. The annual recurrent training program must include verification that each pilot is adequately trained, current, and proficient on all of the elements in the Flying Wings of Louisiana initial pilot training programs described in Condition and Limitation No. 13.
15. Flying Wings of Louisiana may not exercise the relief granted by this exemption unless Flying Wings of Louisiana receives verification indicating acceptance of the Flying Wings of Louisiana risk assessment tool (Condition and Limitation No. 12) and the initial and recurrent pilot ground training program (Condition and

Limitation Nos. 13 and 14) from the FAA General Aviation & Commercial Division (AFS-800). This document may be sent to the FAA Airman Certification and Training Branch, 800 Independence Ave., SW, Washington, DC 20591 or via e-mail to 9-AFS-800-Correspondence@faa.gov. Electronic submission is preferred.

16. Flying Wings of Louisiana must maintain a copy of the aircraft logbook entry for the most recent annual inspection of any aircraft used to conduct flights under this exemption.
17. All flights operated under this exemption must remain within domestic United States airspace.
18. The FAA may, at any time or place, conduct inspections of the pilots, aircraft, and any records required to be kept in accordance with this exemption.
19. The FAA reserves the right to rescind this grant of exemption at any time if the Administrator determines that Flying Wings of Louisiana or its authorized pilots fail to adhere to the conditions and limitations of this exemption.

If you request an extension to this exemption, please submit your request by using the Regulatory Docket No. FAA-2019-1010 (<http://www.regulations.gov>). In addition, you should submit your request no later than 120 days prior to the exemption's expiration date listed below.

If you require an amendment to this exemption, please submit your request no later than 120 days prior to the date you need the amendment using the process indicated above. Any extension or amendment request must meet the requirements of § 11.81 of 14 CFR.

This exemption terminates on March 31, 2022, unless sooner superseded or rescinded.

Sincerely,

/s/

Robert C. Carty

Deputy Executive Director, Flight Standards Service